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Patent

Serial No. 10/517,918

Amendment in Reply to Office Action of March 15, 2006

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated March 15, 2006. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-13 were currently pending in the Application. Claim 14 is added by this amendment. Claims 1, 11 and 14 are independent claims.

In the Office Action, Claims 1-8 and 11-13 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Publication No. 2002/0003762 to Dekker ("Dekker"). Claims 9 and 10 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Dekker in view of U.S. Patent No. 6,456,584 to Nagata ("Nagata").

Dekker shows in FIGs. 1A, 1B a series of erase pulses during an erase period 14. As shown, the series of erase pulses start at a low level proceeded by 4 pulses that alternate between Pe and P1 for FIG. 1A and Pe and P2 for FIG. 1B. FIG. 1C shows a constant level erase pulse during the erase period that starts at a low level proceeded by a Pe level erase pulse.

The method of Claim 1 is not anticipated or made obvious by the teachings of Dekker. For example, Dekker does disclose or

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suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "wherein said erase radiation beam between two successive sequences of pulses for writing marks consists of three consecutive erase periods that together substantially fill the period between the two successive sequences of pulses for writing marks, and wherein said erase radiation beam has a first erase power level for a first erase period, a second erase power level higher than or equal to said first erase power level for a second erase period, and a third erase power level lower than said second erase power level for a third erase period" as required by Claim 1, and as substantially required by Claim 11.

Nagata was not cited for showing this feature and provides no assistance with this deficiency of Dekker.

In addition, the method of Claim 14 is not anticipated or made obvious by the teachings of Dekker alone or in combination with Nagata. For example, Dekker in view of Nagata does disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "wherein said erase radiation beam between two successive sequences of pulses for writing marks consists of three consecutive erase periods, and wherein said erase radiation beam has a first erase power level for a first erase

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period followed by a second erase power level higher than said first erase power level for a second erase period followed by a third erase power level lower than said first erase power level for a third erase period" as required by Claim 14.

Based on the foregoing, the Applicant respectfully submits that independent Claims 1, 11, and 14 are patentable over Dekker alone and in view of Nagata and notice to this effect is earnestly solicited. Claims 2-10, 12, and 13 respectively depend from one of Claims 1 and 11 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

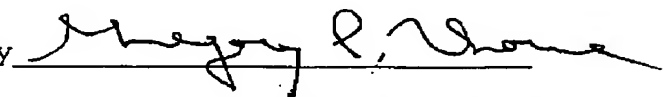
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It is believed that no additional fees or charges are currently due for entrance of the accompanying amendment since an one independent claim was added for a total of three independent claims. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By



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